

REMARKS**I. Overview**

Claims 15-16, 27-35, and 40-51 are pending. Applicant has cancelled claims 21-24 and 36-39 herein that were previously withdrawn. Applicant has amended claims 15 and 16 herein to more clearly identify the subject matter for which Applicant seeks protection.

The Examiner rejected claim 15 alternatively under 35 U.S.C. §§ 112 and 101; rejected claims 15-16, 27-34, 40-43, and 45-50 under 35 U.S.C. § 103(a) over Cluts; and rejected claims 35, 44, and 51 under 35 U.S.C. § 103(a) over Cluts in view of Nakajima.

II. Applicant's Disclosure

Applicant's disclosure describes an item recommendation system in which a user selects multiple seed items and receives a list of recommended items generated based on the multiple selected seeds. As recited in the claims, Applicant's disclosure allows a user to assemble a group of seed items that is representative of the type of items that the user is presently trying to find.

III. The Prior Art: Cluts

Cluts describes a music-on-demand system in which a user selects songs on a network to add to a playlist of songs to be played. One function of Cluts allows a user to select a "more" button to add songs to the user's playlist that are similar to the currently playing song. Cluts is specifically limited to using a single selected song as a seed for finding recommended songs: "the present invention provides systems and methods for using a seed song (e.g., the current song) to add new songs to a playlist." Cluts, col.14:13-16 (emphasis added). Accordingly, Cluts fails to teach or suggest using multiple items selected by a user as seeds or using multiple seeds to generate recommendations.

IV. The Prior Art: Nakajima

Nakajima, cited by the Examiner for teaching draggable controls, describes a document scrap system in which a user selects a portion of a document to create a document scrap for incorporation into other documents. When a user selects a single portion of a document and drags that portion to the desktop, a document scrap is created. When the user drags the document scrap into another document, the originally selected portion of the first document is inserted into the second document. Nakajima contains no teaching of item recommendations. Accordingly, Nakajima fails to teach or suggest using multiple selected items as seeds or using multiple seeds to generate recommendations.

V. Rejections Under 35 U.S.C. 112 and 101

The Examiner rejected claim 15 alternatively under 35 U.S.C. §§ 112 and 101 for reciting a use without active, positive steps. Accordingly, Applicant has amended claim 15 to recite generating recommendations "based on" seeds and respectfully requests that these rejections be withdrawn. In addition, although not rejected, Applicant has similarly amended claim 16.

VI. Rejections Under 35 U.S.C. 103(a) Over Cluts

The Examiner rejected claims 15-16, 27-34, 40-43, and 45-50 under 35 U.S.C. § 103(a) over Cluts. Applicant respectfully traverses this rejection.

Claims 15 and 16 recite "generating a list of recommended items based on the selected seed items, wherein the generated list does not contain the selected seed items." Claim 27 recites "the list of recommendation seeds can be used to generate a list of recommended items, wherein the generated list does not contain the recommendation seeds that are selected." Cluts does not describe using any item other than the currently playing song as a seed item. Cluts, col.17:54. It appears to be the Examiner's position that the list of songs in Cluts contains items that are both seed items and recommended items. However, it is generally the purpose of a

recommendation system to produce a list of items of which the user may not be aware (recommended items) from a list of items with which the user has some familiarity (seed items). Therefore, it would not make sense for the recommended items and seed items to be the same or subsets of one another. Moreover, each of applicant's claims explicitly recites that the recommended items do not include the seed items. The Office Action failed to identify any part of Cluts that teaches this feature.

In addition, claim 15 recites "selecting as seed items the plurality of browsed items." Claim 16 recites "generating a list of recommended items utilizing the selected seed items." Claim 27 recites "a control for selecting products in the group as recommendation seeds" and "adding to a list of recommendation seeds products in the group." Accordingly, each of Applicant's claims recites the selection and utilization of multiple recommendation seeds for generating a list of recommended items, which is not taught by Cluts. As discussed above, Cluts recommends songs based on only a single seed -- the currently playing song.

Nevertheless, the Examiner states that it would be obvious to use the displayed list of songs as seeds to recommend other songs. Applicant can find no support in Cluts for this statement. As motivation to modify Cluts in this way, the Examiner suggests that using all of the displayed songs as seed items speeds up the process of building up the "my favorites" playlist containing the user's favorite songs. There is nothing in Cluts, however, to suggest that a list of recommended songs be added to the "my favorites" list without adding the seed songs on which the recommendations are based. Indeed, a favorites system in which a user likes an item but can only add items like that item to a list of favorites without adding the liked item itself would not make sense. As noted above, applicant's claims recite "wherein the generated list does not contain the recommendation seeds." Therefore, Cluts fails to teach all of the elements of applicant's claims. In addition, there is nothing in Cluts to suggest that using multiple seeds to recommend songs to the user would build up the "my favorites" playlist any faster than using a single seed to recommend songs as suggested by the Examiner. The minimum requirements for a proper obviousness rejection are defined in M.P.E.P. § 2143.01(l):

Obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so. *In re Kahn*, 441 F.3d 977, 986, 78 USPQ2d 1329, 1335 (Fed. Cir. 2006) (discussing rationale underlying the motivation-suggestion-teaching requirement as a guard against using hindsight in an obviousness analysis). The teaching, suggestion, or motivation must be found either explicitly or implicitly in the references themselves or in the knowledge generally available to one of ordinary skill in the art.

There is no teaching, suggestion, or motivation within Cluts to utilize multiple seed items. Further, selecting recommended items based on multiple seed items involves techniques that may be more difficult than recommending items based upon a single seed, as described by Applicant's specification. Cluts does not address these difficulties. There is no teaching, suggestion, or motivation within Cluts to suggest that the system of Cluts would be operative if multiple seed items were received, or how multiple seed items would be used to produce item recommendations. Therefore, even if Cluts disclosed multiple seed items, Cluts would fail to enable selecting recommendations based upon multiple seed items.

In view of the foregoing, Applicant respectfully requests that this rejection be withdrawn.

VII. Rejections Under 35 U.S.C. 103(a) Over Cluts and Nakajima

The Examiner rejected claims 35, 44, and 51 under 35 U.S.C. § 103(a) over Cluts in view of Nakajima. Applicant respectfully traverses this rejection.

As discussed above, each of applicant's claims explicitly recites that the recommended items do not include the seed items, which is not taught by Cluts. In addition, Cluts recommends songs based only on the currently playing song, not multiple seed items as recited by applicant's claims. Nakajima contains no teaching regarding item recommendations at all. Therefore, Applicant's claims are patentable over Cluts and Nakajima, either alone or in combination. Accordingly, Applicant respectfully requests that this rejection be withdrawn.

In addition, claim 35 recites "the control displayed for a distinguished product group is a draggable portion of the information describing the product group, together with a destination region." It is unclear how it would be possible to combine the system of Nakajima with Cluts to produce the aspects of applicant's technology described by this claim. Claims 44 and 51 recite similar language. Cluts does not describe dragging at all, and Nakajima only describes dragging portions of documents to the desktop for later reuse in other documents. The control recited by Applicant's claims is for selecting recommendation seeds. There is no teaching or suggestion within either Cluts or Nakajima to combine these references in any way, much less to produce Applicant's invention.

In view of the foregoing, Applicant respectfully requests that this rejection be withdrawn.

VIII. Conclusion

Based upon these remarks and amendments, Applicant respectfully requests reconsideration of this application and its early allowance. If the Examiner has any questions or believes a telephone conference would expedite prosecution of this application, the Examiner is encouraged to call the undersigned at (206) 359-3265. Applicant believes all required fees are being paid in connection with this response. However, if an additional fee is due, please charge our Deposit Account No. 50-0665, under Order No. 249768045US from which the undersigned is authorized to draw.

Dated: 2/23/2007

Respectfully submitted,

By 

J. Mason Boswell

Registration No.: 58,388

PERKINS COIE LLP

P.O. Box 1247

Seattle, Washington 98111-1247

(206) 359-3265

(206) 359-4265 (Fax)

Attorney for Applicant